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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No. 378 of 2005

PETITIONER Rajesh Kumar, S/o Amar Say, Aged about 37 years, Caste ST (Kanwar), Resident of Baikuntha, District – Korea (CG).

Versus

RESPONDENTS

1. Indian Oil Corporation Ltd. Through Senior Divisional Retail Sales Manager, Indian Oil Bhawan, Rajeev Gandhi Marg, VIP Road, P.O. Ravigram, Telibandha, District Raipur (CG).
2. Dealer Selection Committee, Indian Oil Corporation Ltd., Indian Oil Bhawan, Rajeev Gandhi Marg, VIP Road, P.O. Ravigram, Telibandha, District Raipur (CG).
3. Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Indian Oil Bhawan, Rajeev Gandhi Marg, VIP Road, P.O. Ravigram, Telibandha, District Raipur (CG).
4. Ku. Bobby Panika, D/o Bariya Panika, Aged about 30 years, R/o village Kothi, Tashil Kotma, District Anuppur (MP).

Present : Shri Ranbir Singh Marhas, counsel for the petitioner.

Shri B. Kinger, counsel for respondents No.1 and 3.

ORAL ORDER
(Passed on 28th August, 2006)

In this writ petition the allotment of retail outlet dealership of Indian Oil Corporation at Baikunthpur in favour of the fourth respondent has been assailed. The only ground of attack is that the subject outlet was meant for persons belonging to Scheduled Tribe whereas it has been illegally allotted to the fourth respondent who does not belong to

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Scheduled Tribe, but, belongs to 'Panika' caste, which is not a Scheduled Tribe.

The writ petition is opposed by the official respondents and fourth respondent by filing returns. In the return filed by the respondents No.1 and 3, it is asserted that the fourth respondent belongs to Scheduled Tribe. No rejoinder has been filed by the petitioner. Be that as it may, what is placed before the Court with regard to the caste status of the fourth respondent is nothing but sworn assertion and sworn denial and except these two, there is nothing to show that the fourth respondent does not belong to Scheduled Tribe. The other reason which heavily weighed with the Court not to interfere in the matter is the fact that in order to select suitable candidate for allotment retail outlet dealership, the concerned authority conducted interview on 6-10-2003 as well as on 17-1-2004. On both the occasions, the petitioner and the fourth respondent appeared for the interview. At no point of time, the petitioner did make any grievance before the selecting authority about the caste status of the fourth respondent. The Court cannot grant any relief to the petitioner solely on the basis of his self-serving statement. Nothing is placed before the Court by the petitioner to show that the fourth respondent does not belong to Scheduled Tribe. Above all, when caste status of a person is disputed, such a question cannot properly be dealt with or decided in a summary proceeding under Article 226 of the Constitution of India without permitting the parties to lead evidence and tender them for cross examination by each other. Looking from any angle, there is no merit in the writ petition. It is accordingly dismissed.

Sd/-
Chief Justice

Pathak